

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTONIO LEE MIXON,

Petitioner,

vs.

BRIAN E. WILLIAMS,¹ *et al.*,

Respondents.

2:17-cv-02292-RFB-NJK

ORDER

On November 14, 2017, this court denied petitioner's motion to proceed *in forma pauperis* and directed him to pay the filing fee in order to proceed with his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 8. A few days prior to the entry of that order and unbeknownst to the court, petitioner had paid the required fee. ECF No. 7. The court has reviewed the petition pursuant to Habeas Rule 4, and the petition shall be filed herein and served upon the respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2244(b) (successive petitions). If

¹ Brian E. Williams is the current warden at High Desert State Prison, petitioner's place of incarceration. As such he is substituted for D.W. Neven as a respondent herein. *See* Fed. R. Civ. P. 25(d).

1 petitioner is aware of any claim not included in his petition, he should notify the court of that as soon
2 as possible, perhaps by means of a motion to amend his petition to add the claim.

3 **IT THEREFORE IS ORDERED** that the Clerk shall FILE the petition for writ of habeas
4 corpus (ECF No. 1-1) and ELECTRONICALLY SERVE the petition and a copy of this order on the
5 respondents.

6 **IT IS FURTHER ORDERED** that the Clerk of the Court shall add Adam Paul Laxalt,
7 Attorney General of the State of Nevada, as counsel for respondents.

8 **IT IS FURTHER ORDERED** that respondents shall have 60 days from the date of entry of
9 this order to appear in this action, and to answer or otherwise respond to the petition.

10 **IT IS FURTHER ORDERED** that if respondents file an answer, petitioner shall have 60
11 days from the date on which the answer is served on him to file and serve a reply. If respondents file
12 a motion to dismiss, petitioner shall have 60 days from the date on which the motion is served on
13 him to file and serve a response to the motion to dismiss, and respondents shall, thereafter, have 30
14 days to file a reply in support of the motion.

15 **IT FURTHER IS ORDERED** that any additional state court record exhibits filed herein by
16 either petitioner or respondents shall be filed with a separate index of exhibits identifying the
17 exhibits by number. The CM/ECF attachments that are filed further shall be identified by the
18 number or numbers of the exhibits in the attachment. The hard copy of any additional state court
19 record exhibits shall be forwarded – for this case – to the staff attorneys in **Reno**.

20 **IT FURTHER IS ORDERED** that the Clerk shall substitute Brian E. Williams for D.W.
21 Neven as a respondent in this proceeding. Accordingly, petitioner's motion for leave to amend (ECF
22 No. 6) is DENIED as moot.

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DATED this 20th day of November, 2017.



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